PAROCHIAL SCHOOLS

Reticence as to the Programme Still Maintained.

WHAT IS WISHED.

The Merging Project Favorably Considered by School Commissioners.

LEGAL DIFFICULTIES AHEAD.

Views of City Superintendent Kiddle and Commissioner West-Some Others who Have No Views and Know Nothing.

The same reticence still continues is regard to Vicar General Quant's communication to the Board of Education that has characterized the After so long a time spent in angry discussion with the city school officials, the proffer of an amitable settlement coming from leading ecclesiastics and prominent Catholic laymen might have very easily been presumed to be a matter which would excite a large share of public interest, and if the tesign in the secrecy was to heighten the popular inviety the Vicar General has succeeded beyond doubt. Both sides to the coming controversy. which promises to be sharp and keen, still mainain the attitude at first taken, and the public, who save some share of right to know what may be impending, must, under the circumstances, await such developments as may be made when the oint committee asked for shall begin to consider the points presented by the friends of the paroshiai schools. Yesterday afternoon Mr. Lawrence D. Kernan, clerk to the Board of Education, communicated to Vicar General Quinn the information that the Board had appointed its committee. on the other side were, and to appoint such a time for conference as the gentlemen acting in school of the parochial schools might appoint. The names of the committee from the Board of Education are:—President Netlson, Commissioners Weimore, Baker, Farr, Vermilvea Kelly and of the names of the gentlemen selected by Vicar General Ouing.

SUPERINTENDENT KIDDLE INTERVIEWED. A HERALD reporter called yesterday at the hall of the Board of Education, and had a conversation with Mr. Kiddle, city Superintendent of Public Schools. Mr. Kiddle expressed himself as being entirely unable to speak anthoritatively concerning the communication of Vicar General Ouinn. mittee of conference, and until the triends of the parochial schools stated what they wanted is ould be useless to make any surmis not believe that the Commissioners had attempted to anticipate what might be the concessions asked for. Probably much would have to be said about the religious instruction in the schools, the appointment of teachers, and an arrangement as to the school buildings now owned by the parishes. There could be no question about the refusal of the Board to allow any form of religious nated by the Board, and the only question ther would be as to such instruction before or after school hours. He could not anticipate much trouble on this point. The truth was that it had ious denomination to use the school buildings at hours other than those designated by the Board for the regular secular education whenever requested for religious instruction or exercises. This custom was not exclusive, and the Rev. Dr. Brann at one time availed himself of it. There used to be, however, some little trouble about the cost of fuel and gas on these occasions, and for this reason the Committee on Buildings finally determined to discontinue it. But he could not see what objection could be raised to allowing religious instruction in the parochial school buildings at any time and as often as it was deemed advisable after the regular school hours. The Commissioners of Education were bound by laws which they could not violate, and one of the most important of these was the absolute prohibition of denominational religious instruction during the regular school hours. As to 'the appointment of teachers there might be, he thought, some difficulty, but still act a very serious one. The Board, of course, would insut that their officers should examine teachers as to their competency for appointment, but he did not believe, if the teachers selected by the friends of the parochial schools were found to be competent, that they would, by any means, be rejected. The trustees under the Board had the power of appointing teachers, if they were competent for the duties. and for this reason the Committee on Buildings

any means, to rejected. The trustees under the Board had the power of appointing teachers, if they were competent for the duties.

A LEGAL DIPFICULTY.

Here, however, arose a difficulty upon which he did not wish to touch, and one that, no doubt, the joint committee would be called upon to consider. When the new uptown district was admitted searly all the teachers were still retained. Whether the friends of the parcolial schools would be satisfied with the trustees now in the districts in which parcolial schools are located, or would demand that trustees for each school should be appointed, he, of course, could not determine, in regard to the parcolial school buildings Mr. Kiddle said that for his part he did not see why the school nails could not be lessed at a rental covering the actual time in which they would be in use for school purposes under the common school system. At the expiration of that time the buildings could be used for any other purpose, whether it was for religious instruction, lectures or for any laudable object. But everything in connection with the school rooms should be in perfect accord with the public school system. The books used should be those authorized by the Commissioners. Perhaps some of the books new in use in the parcochial schools might be retained, but for this purpose the express sanction of the Commissioners. Perhaps some of the books new in use in the parcochial schools might be retained, but for this purpose the express sanction of the Commissioners should be obtained.

Mr. Kiddle stated that the idea of harmonizing all the school interests in the city pleased him much, and he thought that the desire of the community was that on this point there should be no conflict of opinion. It was true, however, that many legal objections to the merging of the two systems might crep up to hinder the settlement in the immediate ruture; yet a joint committee of conference was a step in the right direction, and the result of the exchange of views could not but have an excellent tendency,

cation than was the present one, nor a better set of School Trustees, and ne was giad that this recent proof of faith in the public school system had securred.

Commissioner Baker, a member of the joint committee of conference, who was present at the interview, coincided in the main with Mr. Riddle's views, and expressed himself as being in hope that an amicable settlement would be arrived at, though he felt bound as a member of the committee to refrain from saying much. School Inspector Perkins, of the Twelfith ward, who was also in the Clerk's room at the time, said he was anxions that a perfect harmony should be now inaugurated and that all confict with the public school system of the city should disappear.

Commissioner West, who mappened to step in at the close of the conversation, was asked his views on the procosed amaigramation; and after the usual explanation that, in the absence of anything definite from the friends of the parochial schools, he could not well see what to talk about, he said it was his opinion, however, that in order to make any change it would be necessary to have special legislation at Albany on the subject. It should be remembered that there were no funds to effect this merging of the two systems, and, besides, the Board was hampered by special provisions which would prevent the acceptance of anything at all like a denominational system. In the first place, for the parochial schools to come under the Board, it would be necessary that taey should come in fully and completely, without any stipulation or condition. In the second place, the fact that certain conditions were implied, seemed to show that, at the present time, whatever might be done by the committee could be only preliminary, for the laws were clearly against a conditional smallgamation. He remembered that in 1858 the School Society schools merged with what were called the common schools, but they did so without any condition or attempt at restriction or concession. Three trustees were then added for each ward, making the

of the reporter to the majority and minority reports of a joint committee of the Board of Education, made September 17, 1873, when there was considerable feeling maintested on the subject of the corporate schools. Comptroller Green rejused to pay the money for their support on account of the illegality of so doing, and, after much discussion in the Board of Education, the matter was referred to a joint Committee of Auditing and Briaws. Commissioner West, though now seemingly opposed to a limiting the parochial schools, even under conditions, to the benefit of the public school moneys, was strongly in layor of supporting the found matter of interest hearing on the proposed merging of the parochial schools in the public school system. The majority report was adopted, but by a very close vote. The following was the majority report:—

Majority REPORT ON CORPORATE SCHOOLS.

The foint committee to whom was referred the communications of the floar Apdrew H. Green, Comptroller.

MAJORITY REPORT ON CORPORATE SCHOOLS.

To this Board of Education—

To this Board of Education—

To this board of Education—

To the board of Education—

The board of Education of the School fund of this city and county to the 'corporate schools' heretoine participating in said fund, respectfully report:—

That they have inquired into the subject matter referred to them, and have notified the managers of the respective corporate schools and societies affected by the inquiry to appear before them, and have heard their representations fully on the subject; and your committee find that the course of instruction pursued in all those schools during the resular statutory school hours or sessions is purely secular, and that none of said schools can therefore be considered as "religious or denominational."

The question is it presents itself to your committee pathy in the apportionment of the seventy-fifth section of the new city charter, as amended by section 19 of chapter 757 of the Laws of 1873 and whether language admitting or denotitie construction can override a clearly expressed law upon the subject.

A school composed exclusively of children belonging

amended by section to or chapter 357 of the Laws of 1813, and whether language admitting of according control evertice a clearly expressed law upon the subject.

A school composed exclusively of children belonging to or inhabiting an systim or other institution having for its object the protection or reformation of youth cannot be termed a "religious or denominational school" unless such school or schools teach other subjects than those taught in the public schools or this city during the hours set apart by law. Both before and after school hours all such children are as free to worship God in the manner and in the form suited to their convictions as the children are and of the manner and in the form suited to their convictions as the children are not timpate of such institutions from third and the state of such institutions from third are not timpate of such institutions from third are not timpate of such institutions from third and the string the near relatives of riched to preserve their morals and to acquire the rudiments of an inguishment of the such as a such children are not timpate of the such as a such children are not timpate of such institutions from the schools, and there by near relatives or friends to preserve their morals and to acquire the rudiments of an inguish education preparatory to a more permanent place of abode. They are not permitted to attend our public schools, under the rules of the institution in which they are located, nor would it be practicable for them to do so, all things considered. Hence it tollows that they must be caucated, if educated at all, within the walls of the institution that shelters them.

It would seem that no penaity should be attached to helpies orphans, or others, whose circumstances in life render them powerless to help themselves, or whatever faith of their inthers while dubutiled an arrang to the other school more or others, whose discussions of whatever health of their inthers while dubutiled an arrang to the other charitable or reformatory institution, fo

be removed, and that act would in all probability prove instrumental in introducing those teachings to institutions affected by the change and now restrained by law from so doing.

Moreover, all the schools sharing in the school moneys of this city and county, whether public or corporate, are now subject to the visitations of the Board of Education, its members and committees, as well as of the City Superintendent, whose examinations of the corporate schools are conducted upon the same principles and subject to the same rules as those of our public schools, (See last report of that officer in the journal of the late Department of Public Instruction for 1872, pages M3, 844 and 845, which report is the marked degree complimentary to those schools, both as regards their efficiency, usefulness and non-sectarian character. Those examinations could not be continued nor visitations be made in any of said corporate schools whose participation in the school whose participation in the school repart of the institutions whose schools whose participation in the school repart of the institutions whose schools whose beretefore participated in the school into show that they are organized as asylums, reformatory or aid society, the destitute and wayward, and not as schools. Nevertheless, the schools growing up under those institutions have not only become a necessity, generally speaking, but a public benefit that should not be abridged by the adoption of any narrow-minded policy or forced construction of law on the part of the Board of Education.

There is a vast difference between the corporate schools that have heretofore participated in the apportionment of the school moneys under and by virtue of the laws of the State and what are commonly known as "parochial schools." The former teach no religious or denominational whose participating in the school moneys of this city and overcially designated by law to share in the apport

THE MINORITY REPORT.

The following was the minority report:—

To the Board of Education:—

General The undersigned, member of the joint commutee to whom was referred the subject relative to a distribution of a portion of the school moneys among what are known as corporate schools, respectfully disents from the report of the majority of said commutees sensi from the report of the majority of said commutees. what are known as corporate schools, respectfully dis-sents from the report of the majority of said committee for the following reasons:—

First—The seventy-fifth section of the city charter, as amended by section 18 of chapter 757 of the Laws of 1874,

a distribution of a portion of the school moneya among what are known as corporate schools, respectfully dissensiform the report of the majority of said committee for the seventy-fulls section of the city charler, as amendea by section 19 of chapter 757 of the Laws of 1878, asws:—

"No money belonging to the city or city and county of New York, raised by taxation upon the property of religious or denominational school; need in any other property, read or personal, belonging to said city or said city and county, be dissociated on any such school, except upon the said school asset school school shall be into the city treasury; neither shall any pass so the into the city reasury; neither shall any pass so the into the city reasury; neither shall any pass so the into the city reasury; neither shall any pass so the into the city reasury; neither shall any pass so the into the city reasury; neither shall any pass so the into the city reasury; neither shall any to any section of the school shall be entitled to receive any portion of the school money in which the religious doctrines or tense of any particular observations of the school shall be entitled to receive any portion as the school money in which the religious sect, or which shall seach the doctrines or tense of any religious sect."

Now, it is clear from the foregoing provisions of law that the Legislature incoded that no school of any particular observations of the school of any particular observations of the school of any particular observations. The school shall seach the doctrines or tense of any religious sect.

Now, it is clear from the religious chall school of any particular particular property is considered by the school of any particular particular particular property is the school of the school

IN THE DARK.

A visit was paid by the reporter to Commissioner Wetmore, but that gentleman stated he had not the alightest idea of what course would be pursued that the meeting of the course would be pursued that the meeting of the course some

mittee. He had not heard from any one what were likely to be the concessions asked for by Vicar General Quinn and his iriends, nor did he believe that any of the members of the committee had formed an opinion as to now they should act or whether there was any probability of coming to a settlement. Everything seemed to be kept secret on the other side, and of course the School Commissioners had, therefore, to wait and see what was demanded. The only thing he knew about the matter was that a joint committee had been asked for to consider the subject of amalgamating the parochial and the common schools.

Mr. White, of No. 3 Howard street, whose name was attached to the communication sent to the Bosird of Education, was also called upon, but he only knew that Vicar General Quinn had asked him to sign his name to the document, and he did so. What the Vicar General intended to do in regard to the parochial schools he had not inquired. The matter was all in Father Quinn's bands.

TO THE EDITOR OF THE HERALD :-I see the Catholica, headed by Vicar General Quinn, have appeared to the Board of Education to admit their parochial schools to all the benefits of the common school system. Well, I do not object

THE MOST APPROPRIATE THING IN THE WORLD.

the common school system. Weil, I do not object to it, 107 one, as a Protestant. But let me ask Father Quinn how it is that he seeks to have the tender lambs of his flock committed to the care of the keepers of "these godless schools" and "nurseries of crime," which, in Pather Walker's opinion, are only fit for "dogs" and "pothouse politicians." Will Father Quinn be "dammed" for making this appeal along with all the other Catholic priests and laymen whose names I see signed to the appeal? There is a mistake somewhere. Either Walker or Quinn is wrong. Will Cardinal McCloskey decide which? Yours, POSER.

A CATHOLIC PROTEST AGAINST PATHER WALKER. NEW YORK, March 17, 1875.

TO THE EDITOR OF THE HERALD: -I care not how much what you call "the noblest work of civilization"—the common schools—may be criticised or abused by clergymen of the Cathone Church, to which I have the nonor to belong, Muca of what such men as Father Walker say of them is undoubtedly true I am no advocate o our school system, for I hold that religious and secular knowledge should go hand in sand in order to train up a child properly. Many of the best thinkers of the age have rejuctantly come to the same conclusion among Presbyterians, Baptists, Episcopalians and other sects. *Ergo*, the Catholic Church is not alone in its opposition to "our noble school system," as by law established. But when I am told by a priest of the Church—by a member of that order, too, which is conceded to be the pion of the Church-that he "would as soon administer the holy sacraments to a dog" as to Catholic parent who would send his children to one of the public schools, I am shocked beyond expression. It embodies a doctrine so abhorrent to the merciuit teachings of my youth—so contradictory of what I have always considered to be the teachings of the Church—that I find it hard to believe Father Walker could have uttered it. I have looked in vain for a contradiction of your report by Father Walker or some one authorized to speak for him, and I am therefore lorded in willingly to the conclusion that the words—terrible, uncharitable, uncaristian, uncatholic—which you ascribe to him were really uttered by him from the altar of his church. If your report were wrong I seel certain the reverend gentleman would long since have branded them as laise.

As a Catholic I hasten to put on record my solem protest against such bigoted and intolerant expression. It embodies a doctrine so abhorren

emn protest against such bigoted and intolerant denunciation. I wish to procellm that Father Walker does not speak the seatiments of Catholic priests nor of Catholic laymes, nor does he reflect the teachings of the Church when he likens a Catholic layorable to the common schools to "a dog" and "a pothouse politician." He speaks only the views of himself, a narrow-minded, nothended, mischiel-breeding lanatic. It is such as he who are always bringing scasdal and trouble upon the Church; such as he who have covered Catholicism with odium in South America, Mexico and some of the Catholic countries of the Old World.

While I do not complain of the severity of your editorial comments about Father Walker himself, I must protest against the cutery that has been mn protest against such bigoted and in enunciation. I wish to prociaim that editorial comments about Father Walker nimself, I must protest against the outery that has been raised in certain quarters against the entire Catholic priesthood in consequence of this single, unfortunate instance of bad judgment, uncharitableness and mistaken zeal. I know you will answer by the inquirty, "But why is Father Walker not repudiated by his brother priests? Why does not Cardinal McCloskey make an example of him that will preve to Americans that this bigoted Jesuit is not a true exponent of Catholic tectology, or Catholic lecling?" I grant you there is some force in the question. But let me answer by saying that I have not the signtest doubt both these things will be done at the proper answer by saying teat I have not the signtest doubt both these things will be done at the proper moment and in the proper manner. The Charch is not governed like a custom house. Its machinery moves slowly, deliberately and with dignified precision. But that it will soon be—If it has not already been—set in motion to compass Father Walker's faux pas is as certain as that the sun rises and sets daily. Walt and see; but in the meantime let me bog of you not to allow this one blunder or crime to be the occasion of a general onslaught upon CATHOLICITY.

IF NOT, WHY NOT? TO THE EDITOR OF THE HERALD:-

Nothing could be more timely and appropriate than the Catholic petition to the Board of Educa-tion for a share of the school fund to aid their parochial schools. Father Walker's "discoors" Sunday was just the thing in the way of an intro-duction to the petition. Now let Walker go before the Board of Education and make another "dis-coors," telling the members they are "dogs" and "potnouse politicians," and the thing is sure to go through swimmingly. Let him band himself to-

TO THE EDITOR OF THE HERALD:-

Your statement that the only atenement Father Walker could make for this gress insult to our common school teachers and pupils was a public apology, seemed to me to be at first merely a bit of extravagance. But since I have redected how up extravagance. But since I have redected how unjustifiable in every respect was his attack, and now much injury it is calculated to do the Catholic Church in America If suffered to pass unrebuked by his ecclesiastical superiors, your suggestion really appears to be founded in the highest wisdom. If he is a priest who has only the good of his Church at heart he ought not to hesitate a moment about a public explanation and retraction. If not, let him "step down and out" on the "ragged edge" of suspension. ATONEMENT.

NO STRIKE.

PAILURE OF THE THIRD AVENUE CAR DRIVERS TO INTERRUPT TRAVEL

Yesterday morning trouble was anticipated with the employes of the Third Avenue Railroad, ingsmuch as the company had announced a reduction of wages of thirty per cent. Fortunately the day passed, however, without any rioteus demonstra-tion on the part of the "strikers." It is a well known fact that, although every other trade, industry or calling has some organisation or association looking toward the mutual protection of their interests, the car drivers and conductors have none. The philosophy of this is best explained by the following views of a conductor given to a HERALD reporter yesterday afternoon:—"You see a man never takes to railroading until the very last moment. Its a sort of last ditch. The hours are long, the work hard and the pay peor. Then we're at the beck and call of every one. If a man gets on the car a little full and some other passenger objects to his fun or noise, there's a complaint made if we don't fre him off the car. If we do, then there's a row about "another outrage by a car conductor;" that's the way you newspaper fellows put it, you know. The people who employ us take it for granted that we are all the time trying to "beat" them, and the public as a rule look upon us as a class who have no rights which they are bound to respect. The whole system is demoralizing, because we are not allowed to assert our seit-respect as any other class of workingmen are. The consequence is that we take to the work as last resort, and leave it just as soon as we can. There are instances, many of them, no doubt, where men have stuck to railroading for a number of years, but I don't want any of it in mine. Changes occur every day; and heretofore, although the conductors and drivers of city railroad cars number many thousands, there has been no encossicil attempt to organize a strike. There never has been any concerted action, because no one knows who to trust. You can't tell whether you're talking to a friend or to a spotter. My opinion is that any attempt at kicking will result in alture, just as it was with the stage drivers about a year or so ago."

At this point in the conversation the reporter had reached the stables of the Third Avenue Comdustry or calling has some organization or associ-

attempt at kicking will result in failure, just as it was with the stage drivers about a year or so ago."

At this point in the conversation the reporter had reacted the stables of the Third Avenue Company, on Sixty-litth street. It was evident that every preparation had been made to suppress turbulence on the part of the dissatisfied drivers, as a strong cordon of policemen was stationed in the visinity, and mounted officers were patrolling the avenues to prevent any of the men from leaving their cars. It was a noticeable lact, however, that there were any number of applicants for work, and in the event of the strike being at all general it would have been only a question of a few hours in this instance as to the victory of capital over labor. About eleven o'clock three drivers abandoned their cars at Thirty-seventh street, and the consequence was that a "de up'occurred. The conductors, acting under instructions, however, took the reins and drove the cars to the depot where new drivers were put on. This occurred several times during the day, but the delay occasioned was not at any time very serious. Toward night the strikers became convinced that their efforts were lutile, and the crowl, which all day had been congregated about the stables and effect of the company, anisety dispersed.

THE COURTS.

Important Decision as to Debtors' Liabilities.

DISCHARGES FROM ARREST.

Argument in the Mariposa Land and Mining Case.

Baggage Stealing by Means of False Checks.

The attention of Judge Larremore, holding Special Term of the Court of Common Pleas, having been called to the unsale condition of six buildings in Abbatoir place, belonging to the Reynolds estate, he issued a precept yesterday and that the remaining four be rendered safe. He further directed that the work be done under the supervision of the Department of Buildings, and that if the trustee of the property. Mr. Augustus W. Nichoi, latis to pay the expenses of the same within thirty days that the property be sold to cover the outlay. If all our judges were equally prompt and summary regarding the safety of human life as of more consequence than the pecuniary interests of property owners such fatal disasters as the St. Andrew's church calamity would never have to be recorded.

Messrs. Messinger, Gillett & Co. brought suit against the Fourth National Bank to recover \$14,830, claimed by them to have been deposited in the bank, but were beaten on the trial. A motion was made before Chief Justice Daly, of the Court of Common Pleas, for a new trial. One of the grounds of the motion was that one of the jurors, whose affidavit was given setting forth the facts, was deal and unable to hear either the testimony or the charge to the jury. Judge Daly decided vesterday that the amdavit of a juror siter the trial to invalidate a verdict could never be received, and that it was too late to set up a plea of The Judge held that the remedy in such a case was to have withdrawn a juror. For these reasons the motion was depied.

Some days and Judge Lawrence of the Supreme Court, granted an attachment against certain property belonging to Laisvette Graff, against whom the United States had brought suit to recover \$25,000 for the non-payment of duties. An applica tion was made yesterday on behalf of the defend ant, before Judge Donohue, nolding Supreme Court, Chambers, for an order vacating the attachment. Counsel for Graff claimed that the affidavits furnished by the plaintiffs did not sufficiently had no inrisdiction to enforce the Revenue laws The Court took the papers, reserving its decision.

William Sturrin and Christian Granry, under examination for seiling cigars without a license. were yesterday discharged by Commissioner Shields, the proof being insufficient to hold them. UNITED STATES DISTRICT COURT.

Before Judge Blatchford. THE HELLER BROTHERS' BANKBUPTCY-IMPOR-

TANT DECISION.

A petition was flied by some of the creditors of Heller Brothers to have them adjudicated bankrupts. On the return day or the order to show cause the debtors filed an answer denying that the regulate number of creditors, viz., one-fourth in number and one-third in value, had joined in in number and one-third in value, had joined in the petition, and also filed a sworn statement of their creditors and the amounts due them. The question was referred to the Clerk of the Court, and after the petitioning creditors had succeeded on such reference to throw out a number of cialms contained in the statement filed by the debtors, the latter proposed to add to said statement several additional habilities not before contained in said statement. The attorneys for the petitioning creditors objected, which objection was sustained by the Clerk, whereupon the actorney for the debtor requested to have the question certified to the Court. Judge Blatchiord has now sustained the objection, holding toat the debtors must be confined to their sworn statement of habilities. A. Blumensteil for the petitioning creditor, Townsend & Waldbeimer for debtors.

DISCHARGES FROM ARREST. An important decision was given yesterday by

Judge Larremore, of the Court of Common Pieas. in a case brought before him at Special Term. James W. Mudgett, in a suit brought by Aaron Appleton, was arrested on an execution issued in the action, and after his arrest failing to have his bail justify was detained in custody of the Sheriff. He then got his discharge in insolvenes proceedings excepting his body from execution, under the statute authorizing that to be done. A motion was then made before Judge Larremore to have the execution superseded on account of the discharge in the insolvency pro ceedings. Judge Larremore gave his decision in the case yesterday. He holds that he cannot the case yesterday. He holds that he cannot grant a discharge of this kind in a collateral proceeding except for some jurisdictional delect apparent on its lace; that on the motion papers such delect appeared, he discharge not reciting service upon the creditors, either personally or by mail as required by statute, and that for this reason the application must be denied. As the point is an important one and involving the question of personal therry we give in full the opinion of judge Larremore.

the application must be decided. As the point is an important one and involving the question of personal liberty we give in full the opinion of Judge Larremore.

The defendant was arrested and is now in custody under mesne process issued in this action on September 6, 1874. On December 21, 1874, he presented his petition in pursuance of the statute in relation to "voluntary assignments by an insolvent for the purpose of exonerating his person from imprisonment," and such proceedings were thereupon had. On February 17, 1875, he procured his decharge, exempting him from imprisonment by reason of any debt due, &c. Said discharge contains among others the following recital:—"And due proof naving been produced of the publication of notices of such order in the newspapers in said order named, but no other recutal is contained therein showing service of notice of Said proceeding upon the action by reason of his said discharge. It is well settled by authority that a discharge of this character cannot be impeached collaterally except for some jurisdictional defect. (Rich vs. Sailinger, 14 Abb., 294 and 292.) But a question as to the jurisdiction of the officer who granted is may be raised and determined in any court or proceeding. (Killott et al. vs. Feirsol et al., I Feiers, 28; Chemung Canat Bank vs. Judson, 6 N. Y., 294; Stanton vs. Ellis, 12 N. Y., 2 Kern., 376. The stante under which the proceedings were taken to obtain said discharge (article S. chapter 5, part 2, R. S.) provides (section 4) that an order shall be made requiring the creditors of the insolvent to show chase why such discharge should not he granted, and that the contents of said order shall be made requiring the creditors of the insolvent of the descendence of the said order shall be published for the like time and in the like manner as directed in cases of voluntary assignments made pursuing in addition to show chase why such discharge should not herefore the subjection of the defendant is recited in said discharge of the contents of said order, in THE MARIPOSA LAND AND MINING

COMPANY.

Eugene Kelly, the banker, sued the Mariposa Land Company to restrain its officers from transferring its property to a proposed new company, the Mariposa Land and Mining company of California thus rendering the stock of the former com pany worthiess, which he claimed is intended to be done by a conspiracy between Mark Brumabe done by a conspiracy between Mark Brumagim, the president of the company; John Brumagim and Benjamin M. Stillwell, to destroy his security, consisting of 50,000 shares of stock, for a claim against the company amounting to \$103,579 39. Judge Davis, in January hast granted an injunction restraining the transier and appointed Jackson S. Schultz receiver of the books and property of the company in this city. The case was yesterday before the Supreme Court. General Term, on appeal from Judge Davis' order. On the part of the company it was claimed that Judge Davis' order operated as a complete dissolution of the company and sequestration of the company and sequestration of the state of the

tees from the exercise of any of their powers; that it could not compet the derivery of its books to a receiver and that the injunction should not have been granted, as the acts sought that it could not compet the delivery of its books to a receiver and that the injunction should not have been granted, as the acts sought to be restrained had been already done. On the other hand it was insisted for Mr. Kelly that the relief sought in this action is within the general equitable inrisdiction which this court; sitting as a court of equity, has always possessed in cases of fraud; that the receiver appointed by the order in this case is not a receiver of the corporation, such as is contemplated by the provisions of the Second Revised Statutes, page 436, but merely a receiver of the property which has been endangered by the fraudinent conduct of the defendants; that the appointment of this receiver does not deprive the company of its corporate rights or franchises, por of its seal, nor even of its property, because the very purpose of the appointment is to preserve the property of the company; that it is not a sequestration of its property; that it is not an exercise of the visatorial powers conterred on the Court by the statute, and that it is not an exercise of the visatorial powers conterred on the Court by the statute, and that it is not designed and does not have the effect to destroy or dissolve the corporation; but, on the contrary, that its object and design are to rescue and preserve to the company the property for the working and management of which it was organized, and without which it has no reason for existing.

After some forther argument, Mr. C. Bainbridge Smith sustaining the appeal and Messrs, Martin & Smith being the opposing counsel, the Court took the papers, reserving its decision.

THE KINGSBRIDGE ROAD OPENING in the matter of the Kingsbridge road opening. in which case an appeal was taken to the supreme Court, General Term, from the order confirming the report of the Commissioners of Estimate and and Assessment, Mr. Andrews, Assistant Corand Assessment, Mr. Andrews, Assistant Corporation Counsel, made a motion yesterday to have the hearing on the appeal adjourned over unit the next term. Mr. Deering, on behalf of the appellants, objected to the case going over for a term, though he was willing there should be a short adjournment. He urged as a reason for as speedy a hearing as possible of the matter that within four motions all the parties to whom awards had been made would be entitled to receive their pay. Mr. Hawes said that he happened to be accidentally present, but, representing various cliems interested in the case, he would avail himself of the present opportunity to state that he desired leave to move to dismiss the appeal and have a day fixed for the argument. It was finally arranged to set the case down for a hearing on Thursday next.

MARINE COURT-PART 2 Before Chief Justice Shea.

BREACH OF PROMISE OF MARRIAGE CASE. Jerome Jones vs. Victor Goldstein.-This was an action for alleged breach of promise of marriage. damages being laid at \$10,000, and brought into this Court under the Transfer act. The parties are both young, the order of seniority being, how ever, reversed, the fair plaintiff being twenty one, while the delendant claims to be only nineteen and a minor; he, however, looks much older.
The principals in the suit are hebrews,
and all of the withesses of the same faith,
many of them speaking English so very
imperiectly that their testimony had to be
taken through an interpreter. Evidence as
to the promise of marriage, and the time fixed
therefor was full and apparently conclusive
enough. The day was named and the fair expectant, her relatives and irlends were all invited to
the ceremony and to partake of the marriage fensi,
which was prepared regardless of expense. The
delendant admitted his courtship of Jenny; that
he had made her presents at various times,
amounting in value to \$20; that he went to parties with her, where the coming marriage was a
subject of common conversation, but he testified
that he declared he would not marry her four
weeks before the day that Jenny and her friends
had fixed upon for the marriage. On this point
he was supported by witnesses. The question
was raised as to his age and his responsibilities
thereunder, and on this point he gave testimony
to controvert evidence for the plaintiff that he
had offered a Mr. Goldbeck money to say he was
not nineteen years old. He denied generally any
promise of marriage. The case is still on. one, while the defendant claims to be only nine-

MARINE COURT-PART 3. A CONTRACT MADE BY KEEPERS OF DISREPUTA-BLE HOUSES NOT LEGAL. Before Judge Joachimsen.

Henrietta Gaismer vs. Adam Scammiter.-The plaintiff leased of the defendant premises No. 157 Chatnam street, a concert saloon, and purchased the fixtures therein at \$1,400, paying cash \$200 and giving a chattel mortgage on the fixtures for the balance, and agreeing \$100 a month until the whole the purchase money was paid. After six months' occupation by plaintif some of the waiter girls employed in the saloon were arrested and committed to prison, whereupon the blaintif delivered the key of the saloon to the defendant, and nitorined nim that she was going into the country. She did go into the country, where she remained six weeks, and on her return demanded of the plaintiff possession of the saloon. The derendant informed her that on her failure to pay her monthly instalment he had savertised the fixtures to be sold at ancilon, upon which she offered him \$100 as a monthly instalment, which he refused to accept unless she paid the cost and expenses of advertising, &c., which the plaintiff recused to do. The fixtures were finally disposed of at auction, and brought the sum of \$208, which the defendant applied to the amount secured by the mortgage. The plaintiff sted to recover \$1,000 damage for trespassion the part of the defendant. Testimony having been given on both sides, the Court charged the jury that the plaintiff could recover only for the value of the goods sold and delivered to her, and only for them in case she had not abandoned them. That neither the plaintiff nor defendant could enforce a contract the intent of which was for disreputable purposes. the purchase money was paid. After

DECISIONS. SUPREME COURT-CHAMBERS.

By Judge Donohue.

Mackeliar vs. Quil.—Granted on payment of \$10 costs or judgment, to be taken in cause to plaintiff.

Abernethy vs. Franklin.—Motion denied. Memorandum.

Brown vs. Geary.—I think it proper that the within order be modified so that the receiver, already in possession of the premises, shall be appointed in this cause, and that he noid rents subject to the order and direction of this Court in this cause. SUPREME COURT-SPECIAL TERM.

By Judge Van Brunt.
Schenck vs. Smith et al.; Squires vs. Genin et al.—Findings settled. SUPERIOR COURT-SPECIAL TERM.

SUPERIOR COURT—SPECIAL TERM.

By Judge Curtis.

Dreyer vs. Unkart: Ludeo vs. Unkart et al.;
Claussen et al. vs. Unkart et al.—Motions for reference granted.

Thies et al. vs. Simonfeld et al.—Order settled.
Lawrence et al. vs. Cabot et al.—Motion for leave to file supplemental combiant granted.
Costs of opposing motion to defendants to abide event of suit.

Theod vs. Unkart et al.—Order of reference granted.

Woolf vs. Jacobs.—Inability to pay fine or to endure the imprisonment not satisfactorily shown, application for discharge denied, with liberty to renew on intrier proofs on payment of \$10 costs of opposing this motion.

By Judge Sedgwick.
Gale vs. Fox et al.—Judgment signed.
Lewis, trustee, &c., vs. Young.—Order overruling demurrer, with costs.

Chamberlain, administratrix, &c., vs. Chamberlain et al.—Order dismissing plaintiffs. Complaint granted.

COMMON PLEAS--SPECIAL TERM.

By Judge Larremore.

Appleton vs. Mudgett.—Application to discharge from imprisonment denied. (See opinion.)

Cunard vs. Frauklyn; Same vs. Same.—Judgment of foreclosure.

New York Life insurance Company vs. Dean et. al.; New York Life insurance Company vs. Parreil.—Applications granted.

In the matter of Tibbals.—Motion granted.

By Judge J. F. Daly.

Voorhis vs. Murphy; Wilnams vs. Slote.—Orders settled.

By Judge Loew.

settled.

By Judge Loew.

Richter vs. Lager.—Stay granted.

By Chief Justice Daily.

Messenger vs. The Fourth National Bank.—Motion denied. (See opinion.)

COURT OF GENERAL SESSIONS. BAGGAGE STRALING BY MEANS OF FALSE CHECKS-A CONVICTION.

Before Judge Sutherland.
The case of The People against George Fehn, of No. 117 West Twenty-sixth street, indicted for receiving stolen property, was continued from Thursday. Two boys were arrested and held as accomplices of Fehn in his neferious transactions and one has become State's evidence in this prosecution. A number of trunks had been stolen from the baggage room of Westcott's Express Company, at the Grand Central depot, by substituting faise checks. One of these, the property of Miss A. Carson, of Poughkeepsie, and containing clothing, jewelry, &c., of the value of \$1,200, was traced to the store of George Fehn, taker, in October last. Subsequently the goods were pawned or sold by Fehn, with the aid of a man named Banfield and a woman named Fannie Amies. To-day the prisoner testified that he knew nothing whatever about the trunk until it was brought to his house by Banfield and Evans (boys).

Several witnesses to character were then produced by the defence, and as the testimony of haif a dozen witnesses was brought to a close Mr. McCleiland, counsel for the defence, reminded the District Attorney in each instance that this was one of his own witnesses. As they were invared the country of the country that and existence that the was one of his own witnesses. prosecution. A number of trunks had been

add to the complexity of the proceedings. Is would appear that the darkness was to be discipated by the testimony of Thomas Peters, the cariman who carried the trunk to Fehn's house and who identified Fehn. He swore positively that he delivered the trunk to him, was aided by him in carrying it into the hail and got his receipt. A number of witnesses were examined as to character on behalf of the prisoner.

Judge Sutherland charged the jury, who relired, and after bit ten minutes' deliberation came into court with a verdict of guily of grand larceny. Sentence postponed till Monday.

A BATCH OF CRIMINALS SENT TO PRISON In the Court of General Sessions this morning. before Judge Sutherland, Charles Stranberg, who was charged with attempting to commit an out-rageous assault upon a little girl named Sophia Heintz, on the 1st of this month, pleaded guilty to the allegation. He was sent to the State Prison for three years.

Henry Riedmuller pleaded guilty to stealing \$2 from his employer, John Risse, on the 21st of February. There were mitigating circumstances, which led His Honor to impose a light sentence. The boy was sent to the City Prison for them.

The boy was sent to the City Prison for the hydry.

Mary Henry, who was charged with stealing \$160 on the 13th November from her employer, Mrs. Pauline Kobn, pleaded guilty to an attemot. The money was restored, and as fils Honor was satisfied the little girl was instigated by another servant to steal it he imposed a light sentence, which was ten days in the City Prison.

John Conway pleaded guilty to stealing \$7 from the person of William Wilson on the 16th of this month, and was sent to the State Prison for two years.

TOMBS POLICE COURT. Before Judge Kiloreth. CONDUCTORS VS. PICKPOCKETS.

William Felix, a conductor on the Sixth Avenue Ratiroad line, is not in league with thieves, as many of his craft are accused of being. He last. Just as his car was turning from Vesey into last. Just as his car was turning from Vesey into churen street it was boarded by several newsboys, who, instead of seiling their papers, as newsboys are supposed to do, commenced to rife the pocket of the conductor, and nefore he could think what they were about they had stoken \$6.65, the amount collected on his down-town trip. The young rascals then jumped off the car, and he jumped after them, and, after a snarp chase of a few blocks, succeeded in capturing one of them. The young thier gave his name as Thomas Farreil, and at the Tombs Poince Court yesterday Justice Kilbreth held him in \$1.000 bast to answer. ANOTHER COAT THIEF.

On Wednesday last Henry Meyers took unlawing possession of several coats belonging to his land-lord, Joseph Mongers, of No. 27 Frankfort street. and pawned them. He was subsequently arrested by Omeer Sullivan, of the Third predict, who also succeeded in recovering the stolen property. Meyers was held in \$1,000 bail to answer a charge of grand larceny. FORGERY.

Thomas Graham, who obtained \$46 87 from White, Morris & Co. by means of a check drawn by Hamilton & Warner, of No. 36 Wall street, and to which he had forged their indorsement, and Edward Davidson, who accepted part of the hi-gotten gains, were brought up and held in \$1,000 ball each to answer.

JEFFERSON MARKET POLICE COURT. Before Judge Otterbourg. ANOTHER RAID ON LIQUOR DEALERS.

On Thursday night the police arrested four saloon keepers charged by the Excise Commissioners with selling liquor without license. Their names are Edward Ewen, No. 447 Sixth avenue: Edward Morris, No. 125 West Thirtieth street; Joseph O'Connor, No. 948 Broadway, and Joseph W. Lamb, No. 447 Sixth avenue. They were all yesterday held in \$100 bail to answer. COURT OF APPEALS CALENDAR.

ALBANY, March 19, 1875
The following is the Court of Appeals day calendar for Monday, March 22:—Nos. 108, 310, 144, 146, 147, 148, 160, 151.

BARGAIN.-CIGAR STORE CAN BE BOUGHT

A cheap; good business; satisfactory reason for seiling. For information call at 10) Fuiton street, Brooklyn. Only those meaning business need apply. A SILK DYEING ESTABLISHMENT FOR SALE.—A With all the tools in good order for the working or 20 men; plenty of water; 40 horse power; 5 years' lease, Address P. F., box 570 Post office, Patterson, N. J.

AT A SACRIFICE-THE STOCK, FIXTURES AND A five years' Lease, at a low rent, of the old established and best Millinery and Fancy Goods Store on Eighth avenue, west side; stock well selected and is period order; sickness cause of selling.

SALTER & LEVY, 388 Eighth avenue.

A TEA, COFFRE AND PANCY GROCERY FOR store old established; \$50.0 0 a year cash trade; stokhoes dause of s-linu; \$1.30 cash required. Address AMEs, Herald Uplown Branch office.

A FEW HUNDRED DOLLARS WILL PURCHASE immediately a splendid manufacturing business in full operation, including patents, tools and single small goods: 90 per cent profit daily. Apply to GEOR EREED, 335 Broadway, room 35.

CHINA, CROCKERY AND GLASS BUSINE S FOR ness sands in the city of Newark will be sold reasonably to a good party; this is a rare chance for the right party. Address J. AME. Newark Post office. (MIGAR STORE, AT SACRIFICE, IN COMPLETE RUN or selling going to Chilfornia, Apply at 68 Bleecker st.

DRUG STORE, RECOKLYN.-FINE GENERAL AND prescription business; never changed owners; reason of sale, &c., given only at interview. Address, tor one week, B. K., box 188 Herald office. DRUG STORE FOR SALE-WELL ESTABLISHED owner going out of business; great bargain; and chance for party with limited means. 782 Second av.

DRUG STORE, IN NEW YORK—SUITABLE FOR A physician, or will exchange for neat cottage in vicinity, with a view to medical practice. Address M. M., Herald office. DISTILLERY, ALL COMPLETE; ALCOHOL STILL

FOR CHEAP PRINTING CALL ON THE METRO. POLITAN PRINTING ESTABLISHMENT, No. 244
Broadway. FOR SALE (THE RETREAT)—FIRST CLASS WIND and Silliard Saloon, 139 hast righth street, near Broadway, at a sacrifice. Apply in the saloon.

FOR SALE—A BAKERY, DOING A FINE BUSI-ness and can be enlarged; fine stand for ice cream and contections; sickness is the only cause for selling; a long lease will be given; will exchange for a small Gar-den Farm. For particulars address BAKER, box 137 Herald office.

POR SALE—A FIRST CLASS WHOLESALE AND RE. It in Confectionery Store in West street, opposite two lerries States Island and Jersey City). Apply at 371 Howery or 116 West street. FOR SALE-AN OLD ESTABLISHED CORNER OF I Ninth avenue, near the Hadson River Railroad depot; a good chance for a business man; 30 per cent can remain on bond and mortgage for five years. Inquire of J. DER 310G, 384 binth avenue, between Thirty-first and Thirty-second streets.

L'OR SALE—STOCK, PIXTURES AND LEASE OF AR n old established Hook, Stationery and Music store, in a first class location, at 25 per cent less than actual cost of block alone if soid at once. Apply to LAMBERT & KANE, 431 Grand street.

POR SALE—A PIRST CLASS BUTCHER SHOP, situated on one of the best avenues in the city. In quire at 864 Sixth avenue. quire at S64 Sixth avenue.

FOR SALE—A FIRST CLASS LIQUOR STORE OF Broadway, down town, with good family and job-bing trade; will be sold with or without Stock. Address W. F. L., box 2,891 Post office.

FOR SALE-DEGENER HALF MEDIUM PRESS. in Tank, copper bottom, capacity nine barrels brassh eli, weight? bis. Apply to KEATING, corner of Varick and Downing streets.

FOR SALE—CONFECTIONERY, ICE CREAM SA. Saloon, Pastry Bakery; a good chance. Alsoos in Eighth avenue. For particulars inquire at 143 Minta avenue, near Nineteenth street, store.

HOTEL FOR SALE.—A GOOD HOTEL FOR SALE
cheap, in a good lecation, doing a good cash trade;
low rent; good reasons for selling; only \$1,00 cash required. Inquire of JOSEPH KNOZR, 273 Washington
street, Newark, N. J. Street, Newark, N.J.

DETAIL DRUG STORE FOR SALE—IN JERSET
City, established since 1858. For particulars apply
to KLEIN, FLEET & Co., 24 Cortland street.

SAFE FOR SALE—ALSO OFFICE FURNITURE Call early to get a bargain at 128 Fulson street, fourth SASH BLIND FACTORY FOR SALE, -APPLY TO JOHN PETRIE, Jr., 337 Ninth avenue.

\$400 -BOARDING HOUSE FOR SALE, CON-taining 15 rooms, all carpeted and furnished; 22 beds, 18 good paying boarders; terms \$300 cash, paiance in board, or \$375 cash; rent low. Apply on premises, 133 Grand street, corner Crosby street.

MACHINERY. A NEXCELLENT 60-HORSE POWER ENGINE AND Boiler; also Planers, Matchers and superior Packing Box Machinery, for sale, very low, at 20 and worth street.

D. A. YOUNGS. A SUPERIOR CLASS OF UPRIGHT BOILERS, new, all sizes, at W. McADAM'S boiler works, feel of Milton street, Greenpoint, L. L.

of Milton street, Greenpoint, L. I.

BAXTER STEAM ENGINES ARE MADE BY
special tools, consequently are mechanically perfect; are simple, safe, durable and economical. For partuculars address WM. D. RUSSELL, 18 Park place, N. L. L'OR SALE-ALL THE TOOLS, CONSISTING OF Lathes, Planers, Drills, Shafting and Milling Machines, &c., of the late American Diamond Drill Consulty, Soy West I wenty-second street. Apply at the Delamater Iron Works, foot of West Thirteeuth street. SELLING OFF.—STEAM ENGINES AND BOILERS
at pair price, with guarantee; Engines renued, with
privilege of purchasing: large stock in thorough order,
E. ROBERTS, 119 Liberty street.

SELLING OFF.—STEAM ENGINES AND BOILERS
at hair price, with guarantee; knother respectively.